IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.2871 OF 2005

Office Notes,Office Memoranda of Coram, appearances, Court's order or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Ravindra Nair for the Petitioner.

CORAM : SMT.NISHITA MHATRE, J.

DATED : 14TH JULY 2005

P.C. :

. This Petition challenges the order dated 15th June 2004 passed by the Industrial Court, Thane in Complaint (ULP) No.196 of 1997 dismissing the Complaint. The Industrial Court has found that no unfair labour practice has been committed by the Respondents. A submission is made on behalf of the Petitioner that suspension by way of punishment cannot be imposed unless an enquiry is held. This issue was not pleaded nor does it seem to be raised before the Industrial Court. Therefore, it cannot be considered at this stage. Furthermore, the

workman has already accepted voluntary retirement and there is an observation in the order of the Industrial Court that the punishment of suspension has been imposed after the Respondents had given full opportunity to the Petitioner to defend the charges. Hence, Petition dismissed.